



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

11:00 A.M.

TUESDAY, September 27, 2005

The Senate met.

The Senate was called to order by Senator Alan Lasee.

The roll was called and the following Senators answered to their names:

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Pastor Susan Vergeront of the First Presbyterian Church in Waunakee.

The Senate remained standing and Senator Kedzie led the Senate in the pledge of allegiance to the flag of the United States of America.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Monday, September 26, 2005.

The joint committee on **Finance** reports and recommends:

#### Assembly Bill 105

Relating to: state contractual service contracting procedures and information and fiscal estimate cost mitigation analyses, granting rule-making authority, and providing an exemption from and extending the time limit for emergency rule procedures.

Adoption of Senate Substitute Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Concurrence as amended.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

#### Senate Bill 140

Relating to: eliminating a penalty for certain early withdrawals from an individual retirement account.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

#### Senate Bill 143

Relating to: deadlines for the transmittal of the Building Commission's long-range state building program recommendations and the delivery of the governor's biennial budget message and a report on the timeliness of the submittal of agency budget requests.

Passage.

Ayes, 12 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 4 – Senators Decker and Taylor. Representatives Pocan and Colon.

#### Senate Bill 167

Relating to: creating an individual income tax checkoff for multiple sclerosis programs.

Passage.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

#### Senate Bill 23

Relating to: regulating the manufactured housing industry and manufactured home installations; promoting rehabilitation and recycling of manufactured housing; requiring the exercise of rule-making authority; providing a penalty; and making appropriations.

Introduction and adoption of Senate Substitute Amendment 2.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

**Senate Bill 336**

Relating to: creating a nonrefundable individual income tax credit for amounts contributed to any section 529 college tuition program account.

Introduction and adoption of Senate Amendment 1.

Ayes, 9 – Senators S. Fitzgerald, Lazich and Leibham. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 7 – Senators Darling, Cowles, Olsen, Decker and Taylor. Representatives Pocan and Colon.

Passage as amended.

Ayes, 9 – Senators S. Fitzgerald, Lazich and Leibham. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 7 – Senators Darling, Cowles, Olsen, Decker and Taylor. Representatives Pocan and Colon.

**Senate Bill 45**

Relating to: operating certain 3–vehicle combinations on the highways.

Passage.

Ayes, 15 – Senators S. Fitzgerald, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 1 – Senator Lazich.

**Senate Bill 56**

Relating to: state contractual service contracting procedures and information and fiscal estimate cost mitigation analyses, granting rule–making authority, and providing an exemption from and extending the time limit for emergency rule procedures.

Adoption of Senate Substitute Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

SCOTT FITZGERALD  
Senate Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

BALISTRERI, LYLE, of Wauwatosa, as a member of the Prison Industries Board, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

CARRILLO, JOSE, of Janesville, as a member of the Prison Industries Board, to serve for the term ending May 1, 2006.

Confirmation.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

DUNKIN, REGINA, of Beloit, as a member of the Public Defender Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

HANEY, JAMES M., of Plover, as a member of the Judicial Commission, to serve for the term ending August 1, 2008.

Confirmation.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

HANEY, JAMES M., of Plover, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Confirmation.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

HOGAN, JOHN, of Hazelhurst, as a member of the Public Defender Board, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

**Senate Bill 24**

Relating to: threats to social service workers, juvenile intake workers, child support workers, or school employees and providing a penalty.

Passage.

Ayes, 4 – Senators Zien, Roessler, Risser and Miller.

Noes, 1 – Senator Grothman.

**Senate Bill 174**

Relating to: the use of wine in a religious service in a prison, jail, or house of correction.

Passage.

Ayes, 3 – Senators Zien, Grothman and Miller.

Noes, 2 – Senators Roessler and Risser.

**Senate Bill 180**

Relating to: cash discounts for retail motor vehicle fuel purchases.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

**Senate Bill 289**

Relating to: penalties for sexual assault offenses involving force or violence, treating first– or second–degree sexual assault as a two–strikes offense, court–ordered treatment for imprisoned sex offenders, and mandatory lifetime supervision for certain sex offenders and providing penalties.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Zien, Roessler, Grothman, Risser and Miller.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Risser and Miller.

DAVID ZIEN  
Chairperson

The committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform** reports and recommends:

**Senate Bill 259**

Relating to: eliminating various school district and Department of Public Instruction requirements, authorizing a city or village to abolish its police department and contract for law enforcement services with a county, authorizing a county to participate in a municipal revenue sharing agreement, standards for information technology integration, and city health departments.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

RONALD BROWN  
Chairperson

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 50**

**Assembly Joint Resolution 51**

**Assembly Joint Resolution 53**

Concurred in:

**Senate Joint Resolution 30**

**Assembly Joint Resolution 50**

Relating to: proclaiming October Wisconsin Kids Voting USA month.

By Representatives Petrowski, Gard, Seidel, Suder, Lothian, M. Williams, Young, Strachota, Hahn, Berceau, Musser, Kerkman, Lehman, Nass, Gunderson, Ott, Kestell, McCormick, Krawczyk, Bies, Hines, Jeskewitz, Nerison, Ainsworth, Nelson, F. Lasee and Van Roy; cosponsored by Senators Olsen, Decker, Roessler, Hansen and Erpenbach.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 51**

Relating to: the life and public service of Wilfrid J. Turba.

By Representatives Kestell and Ott; cosponsored by Senators Leibham and A. Lasee.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 53**

Relating to: the distinguished career of Terry A. Rhodes in his service to the legislature, state government, and the people of Wisconsin.

By Representatives Gard, Huebsch, Kreuser, Freese, Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan, Colon, Black and Schneider; cosponsored by Senators A. Lasee, Schultz, Robson, Zien, S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker, Taylor and Risser.

Read and referred to committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS**

Read and referred:

**Senate Joint Resolution 41**

Relating to: requesting a summit on civic education and providing for the preparation of a report and recommendations to promote and enhance civic education in Wisconsin schools.

By Senators Olsen, Jauch, Darling, Harsdorf, Erpenbach, Miller, Hansen and S. Fitzgerald; cosponsored by Representatives Towns, Lehman, Zepnick, Hines, Ballweg, Jensen, Berceau, Davis, Hahn, Pope–Roberts, Krawczyk, Kestell, Fields and Turner.

To committee on **Education**.

**Senate Joint Resolution 42**

Relating to: the life and service of Lance Corporal John Mattek Jr. of the United States Marine Corps who lost his life during Operation Iraqi Freedom.

By Senator Breske.

To committee on **Senate Organization**.

**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Breske added as a coauthor of **Senate Bill 343**.

Pursuant to Senate Rule 17 (5), Senator Breske removed as a coauthor of **Senate Bill 268**.

Pursuant to Senate Rule 17 (5), Senator Risser added as a coauthor of **Senate Bill 343**.

Pursuant to Senate Rule 17 (5), Representative Petrowski added as a cosponsor of **Senate Bill 342**.

**ADVICE AND CONSENT OF THE SENATE**

Senator Schultz, with unanimous consent, asked that all appointments be considered en masse, and that the reading be dispensed with.

BERRY, RYAN, of Madison, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2009.

COOPER, DAVID, of Slinger, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

CRANE, SUE, of Burlington, as a member of the State Fair Park Board, to serve for the term ending May 1, 2008.

FOLEY, LINDA, of Lake Mills, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2009.

FRIEDLAND, DR. DAVID, of Menomonee Falls, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2009.

NASS, STEVEN, of Lake Mills, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2008.

NEUBAUER, LISA, of Racine, as a member of the Wisconsin Professional Baseball Park District Board, for the term ending July 1, 2007.

NOSSE, LARRY, of Wauwatosa, as a member of the Physical Therapists Affiliated Credentialing Board to serve for the term ending July 1, 2009.

PELEGRIN, JODI, of New Franken, as a member of the Athletic Trainers Affiliated Credentialing Board to serve for the term ending July 1, 2008.

TRACEY, ROBERT, of Holmen, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2010.

ZELLMER, PETER, of Appleton, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2009.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### Assembly Bill 100

Relating to: state finances and appropriations, constituting the executive budget act of the 2005 legislature.

The question was: Shall Item Veto C-4 be concurred in notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Brown, Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Breske, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – None.

Refused to concur in Item Veto C-4 notwithstanding the objections of the Governor.

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## SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

### Senate Bill 138

Relating to: voluntary and informed consent for abortions.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 138**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Zien in the chair.

Senator Robson moved that **Senate Bill 138** be rereferred to the committee on **Health, Children, Families, Aging and Long Term Care**.

Senator Grothman moved that the motion to rerefer **Senate Bill 138** to the committee on **Health, Children, Families, Aging and Long Term Care** be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – None.

Motion tabled.

### Senate Bill 138

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Passed.

### Senate Bill 244

Relating to: granting a parent electronic communication with a child.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 244**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 244

Read a third time and passed.

### Senate Bill 253

Relating to: authorizing the restoration of a nonconforming structure that is destroyed by vandalism or certain natural forces.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 253**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 253

Read a third time and passed.

### Senate Bill 284

Relating to: the investigation of child abuse or neglect reports in which a person who is not a caregiver of the child is suspected of the abuse or neglect of the child; defining the persons who are considered to be relatives of a child or juvenile for purposes of the Children's Code and the Juvenile Justice Code; extending the time for which a child may be held in custody when additional time is required to determine whether the filing of a petition initiating proceedings under the Children's Code is necessary; and the transfer of guardianship and custody of a child to a county department of human services or social services in a county other than Milwaukee County for the placement of a child for adoption in the home of the child's foster or treatment foster parents.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 284**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 284

Read a third time and passed.

### Senate Bill 286

Relating to: school district human growth and development programs.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 286** offered by Senator Carpenter.

Senator Lazich moved that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 286** offered by Senators Taylor, Robson, Risser, Erpenbach and Wirch.

Senator Lazich moved that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 286** offered by Senators Taylor, Robson, Erpenbach and Wirch.

Senator Lazich moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 286** offered by Senator Erpenbach.

Senator Lazich moved that Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 286** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 286**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 286**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 24.

Noes – Senators Carpenter, Decker, Erpenbach, Jauch, Miller, Risser, Robson, Taylor and Wirch – 9.

Absent or not voting – None.

Passed.

**Senate Bill 290**

Relating to: claiming early stage seed and angel investment income and franchise tax credits.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Senate Bill 290** be referred to the Joint Committee on **Finance**.

Senator S. Fitzgerald, with unanimous consent, asked that the rules be suspended and that **Senate Bill 290** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Senate amendment 1 to **Senate Bill 290** offered by Senator Kanavas.

Senator Kanavas, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 290** be laid on the table.

Senate amendment 2 to **Senate Bill 290** offered by Senator Kanavas.

The question was: Adoption of Senate amendment 2 to **Senate Bill 290**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 290**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Erpenbach – 1.

Passed.

**Senate Bill 294**

Relating to: defining certain uses of gamma-butyrolactone and 1,4-butanediol as controlled substances.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 294**

Read a third time and passed.

Senator Schultz, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Messaged.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Bill 207**

Relating to: employment discrimination based on creed and exemption from liability and discipline for health care professionals and health care facility employees who refuse to participate in sterilization, abortion, assisted suicide, and other procedures on moral or religious grounds.

Read a second time.

Senator Kedzie, with unanimous consent, asked that the Senate recess.

3:10 P.M.

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**RECESS**

3:45 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

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## MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

### Assembly Joint Resolution 55

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### Assembly Joint Resolution 55

Relating to: honoring the mighty 8th Air Force.

By Representatives Wieckert, Loeffelholz, Gard, Suder, Hines, Hundertmark, Owens, Turner, McCormick, Sheridan, Towns, Bies and Nass; cosponsored by Senators Zien, Hansen, Roessler, Cowles and Erpenbach.

Read and referred to committee on **Senate Organization**.

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## QUORUM CALL

The Chair noted the possible lack of a quorum.

The roll was called and the following Senators answered to their names:

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

Senator Erpenbach, with unanimous consent, asked that the Journal reflect that he would have voted Aye on passage of **Senate Bill 290**.

Senate amendment 1 to **Assembly Bill 207** offered by Senators Carpenter, Robson, Wirch, Erpenbach, Miller and Taylor.

Senator Roessler moved that Senate amendment 1 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – Senator Ellis – 1.

Tabled.

Senate amendment 2 to **Assembly Bill 207** offered by Senators Miller, Erpenbach, Robson, Risser, Carpenter and Taylor.

Senator Roessler moved that Senate amendment 2 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 2 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 3 to **Assembly Bill 207** offered by Senators Erpenbach, Robson, Risser, Carpenter, Miller and Taylor.

Senator Roessler moved rejection of Senate amendment 3 to **Assembly Bill 207**.

The question was: Rejection of Senate amendment 3 to **Assembly Bill 207**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Rejected.

Senate amendment 4 to **Assembly Bill 207** offered by Senators Erpenbach, Robson, Risser, Carpenter and Taylor.

Senator Roessler moved that Senate amendment 4 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 4 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 5 to **Assembly Bill 207** offered by Senators Erpenbach, Robson, Risser, Carpenter, Miller and Taylor.

Senator Roessler moved that Senate amendment 5 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 5 to **Assembly Bill 207** be laid on the table?

Senator Zien in the Chair.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 6 to **Assembly Bill 207** offered by Senators Erpenbach, Risser, Carpenter, Miller and Taylor.

Senator Roessler moved that Senate amendment 6 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 6 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 7 to **Assembly Bill 207** offered by Senators Erpenbach, Robson, Risser, Carpenter, Miller and Taylor.

Senator Roessler moved that Senate amendment 7 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 7 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 8 to **Assembly Bill 207** offered by Senators Robson, Risser, Carpenter, Lassa, Erpenbach, Miller and Taylor.

Senator Roessler moved that Senate amendment 8 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 8 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – Senator Ellis – 1.

Tabled.

Senate amendment 9 to **Assembly Bill 207** offered by Senators Robson, Risser, Erpenbach and Miller.

Senator Roessler moved that Senate amendment 9 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 9 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 10 to **Assembly Bill 207** offered by Senators Robson, Risser, Lassa, Erpenbach and Miller.

Senator Roessler moved that Senate amendment 10 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 10 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 11 to **Assembly Bill 207** offered by Senators Robson, Risser, Carpenter, Erpenbach and Miller.

Senator Roessler moved that Senate amendment 11 to **Assembly Bill 207** be laid on the table.

The question was: Shall Senate amendment 11 to **Assembly Bill 207** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 207**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Concurred in.

Senator Plale, with unanimous consent, asked that the Senate recess.

5:16 P.M.

**RECESS**

6:03 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

**Assembly Bill 270**

Relating to: donation of newborn umbilical cord blood.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 270**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 57**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 57**

Relating to: proclaiming that October 5, in perpetuity, be recognized and celebrated as Robin L. Ahrens Day.

By Representative Rhoades; cosponsored by Senator Harsdorf.

Read and referred to committee on **Senate Organization**.

**Assembly Bill 499**

Relating to: human cloning and parthenogenesis and providing penalties.

Read a second time.

Senate amendment 1 to **Assembly Bill 499** offered by Senator Darling.

Senator Leibham moved that Senate amendment 1 to **Assembly Bill 499** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 499** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 17.

Noes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 16.

Absent or not voting – None.

Tabled.

Senator Carpenter moved that the Senate adjourn and that **Assembly Bill 499** be made a special order of business at 11:01 A.M. on Wednesday, September 28, 2005.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Absent or not voting – None.

Motion Refused.

Ordered to a third reading.

Senator Schultz asked unanimous consent to consider the bill for final action at this time.

Senator Erpenbach objected.

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### MOTIONS MAY BE OFFERED

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 53** be withdrawn from the committee on **Senate Organization** and taken up.

#### **Assembly Joint Resolution 53**

Relating to: the distinguished career of Terry A. Rhodes in his service to the legislature, state government, and the people of Wisconsin.

The question was: Shall **Assembly Joint Resolution 53** be concurred in?

Concurred in.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 53**.

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 57** be withdrawn from the committee on **Senate Organization** and taken up.

#### **Assembly Joint Resolution 57**

Relating to: proclaiming that October 5, in perpetuity, be recognized and celebrated as Robin L. Ahrens Day.

The question was: Shall **Assembly Joint Resolution 57** be concurred in?

Concurred in.

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 55** be withdrawn from the committee on **Senate Organization** and taken up.

#### **Assembly Joint Resolution 55**

Relating to: honoring the mighty 8th Air Force.

The question was: Shall **Assembly Joint Resolution 55** be concurred in?

Concurred in.

Senator Schultz, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Messaged

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### ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Terry Rhodes, his wife Diane, and his family, who have given so much in the sacrifice of the time that he has given to his work, on the occasion of Terry's retirement from the Legislative Fiscal Bureau. The Senate has tremendous respect for Terry and for his dedication and extraordinary service to the State of Wisconsin. His contribution to the Legislature will not be forgotten.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tony and Shirley DeMarco's 60th wedding anniversary on September 15th. Lifelong Kenosha residents, Tony and Shirley met during World War II, and were engaged on Valentine's Day in 1945.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Delmar Coburn, longtime Principal of Parkside Elementary in Fond du Lac. Delmar donated one of his kidneys to his 26 year old son Josh on Thursday, September 22. Josh's heart transplant 13 years ago was a success, but anti-rejection drugs had damaged his kidneys. Senator Roessler would like to offer her best wishes for a healthy recovery for Delmar and Josh.

Senator Leibham, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the life and public service of State Representative Wilfrid Turba, who served in the State Assembly during the 1982-1992 legislative sessions.

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### ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Wednesday, September 28, 2005 at 11:00 A.M.

Adjourned.

7:45 P.M.